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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,115	11/13/2003	Matthew Wade Ellison		7673

30955 7590 03/08/2006

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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,115	Applicant(s) ELLISON, MATTHEW WADE	
	Examiner Bridget Avery	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 6, 7, 10, 13, 14 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nyman (US Patent 5,462,304).

Nyman clearly teaches detachable, interchangeable and replaceable edges/grind plates removably attached to a ski with fasteners, as shown in Figures 3C and 3D. See also column 4, lines 7-14. Note, edges function as grind plates because they provide increased carving, as stated in the abstract.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjork (US Patent 2,225,293).

Bjork teaches a gliding board including a board body and a plurality of interchangeable edge sections (14, 15). The edge sections are capable of being removed from and replaceable to the board body. Bjork teaches varying the thickness of the metal edges (14, 15) as well as varying the flexibility of the metal edges. The edges are attachable to the ski via screws (28). See the discussion in column 3, lines 55-68 regarding the edge sections and the desire to prevent movement of the sections

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during use, as evidenced by the phrase "with the resultant "spilling" or "upsetting" of the skier."

3. Claims 7, 8, 10 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (US Patent 6,062,585).

Hess teaches a gliding board including a board body; edges (4, 5); and removable grind plates (7) manufactured of metal, steel or plastic, as taught in column 4, lines 33-36. The grind plates are connected to the gliding board via fastening bolts (22) as well as by tongue and groove. See column 5, lines 6-11 and Figures 7-15. Re claim 13, Figures 8-10 show a grind plate (7) mounted substantially flush with the edge (4). Figure 15 clearly shows that the grind plates extend along a center region of the board body. Re claims 15-20, see column 2, lines 44-56.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjork ('293) in view of Ford (US Patent 4,083,577).

Bjork teaches the features described above.

Bjork lacks the teaching of dull edges.

Ford teaches dull/rounded edges in column 3, lines 17-24.

Based on the teachings of Ford, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the ski of Bjork to include dull edges to provide for a very easy and natural turning technique, for as the angle of the edging is increased the inward couple is provided more and more by a toe-up/heel-down pressure which the foot and leg muscles are well endowed to exert, as taught in column 6, lines 29-54.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess ('585) in view of Benner (US Patent 3,924.865).

Hess teaches the features described above.

Benner teaches a grind plates that can vary in flexibility, as clearly stated in column 2, lines 2-7.

Based on the teachings of Benner, it would have been obvious to one having ordinary skill in the art, to modify the grind plates to vary the thickness and flexibility of the grind plates to further modify/change the overall running characteristics, gripping power, turning properties of the ski, permitting an adaptation of the ski to the running experience of the skier and to the snow conditions.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyman ('304).

Nyman lacks the teaching of making the edge sections using composite materials and the teaching of using more than one material for a single edge section.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to manufacture the edge sections using composite materials or to use more than one material for a single edge section, since it has been held to be within the general skill of a worker in the art to select a known material for durability or flexibility.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjork ('293).

Bjork lacks the teaching of making the edge sections using composite materials and the teaching of using more than one material for a single edge section.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to manufacture the edge sections using composite materials or to use more than one material for a single edge section, since it has been held to be within the general skill of a worker in the art to select a known material for durability or flexibility.

Response to Arguments

8. Applicant's arguments filed February 28, 2006 have been fully considered but they are not persuasive.

Re claims 1-4 and 6, contrary to applicant's arguments the edge sections of Bjork ('293) are capable of being removed and replaced on the gliding board. Bjork clearly discloses edge sections that are interchangeable, as stated in column 4, lines 43-48. As previously stated, it would have been counterintuitive to form interchangeable edge sections for a board if the sections are "difficult or impossible" to remove, as suggested by applicant. Merriam-Webster's Collegiate Dictionary Tenth Edition defines interchangeable as "capable of being interchanged; esp: permitting mutual substitution. Clearly, Bjork's teaching of "sections having the same form as the sections constituting the runner upon the opposite side of the ski, so that all sections are interchangeable" refers to "mutual substitution" of one edge section for another. In no way does Bjork advocate that the edge sections are permanently fixed.

Note, the teaching in Nyman of "interchangeable" edges that are detachable and replaceable is further evidence that the interchangeable edges taught by Bjork are capable of being removed and replaced.

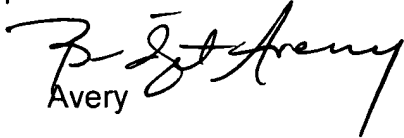
Contrary to applicant's argument regarding claim 9, Benner clearly teaches an edge "that can be made substantially narrower and also thinner, so that a flexibility is obtained" in column 2, lines 2-7.

Re claims 7-10, Hess clearly teaches edges (4, 5) and grind plates (7, 8). The grind plates (7, 8) are laterally with respect to the edges (4, 5) and are removably and replaceably attached to the board body. This is clearly shown in Figures 8-15 where at least a portion of the grind plate (7) is disposed on a side of the edge (4).


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Conclusion

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

March 6, 2006


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